

Zapruder Film Nets \$16 Million

U.S. Must Pay Heirs for JFK Footage

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The government was ordered yesterday to pay \$16 million to the heirs of Dallas dressmaker Abraham Zapruder for the unforgettable home movie he made of President John F. Kennedy's assassination.

In a decision that cannot be reversed, a special arbitration panel ruled by a 2 to 1 vote that the Zapruder family should be awarded the unprecedented sum for the 26-second original film. The Zapruders will retain the copyright to the violent images that have been seared into the nation's consciousness. Ticking away at 18.3 frames per second, they are the clock to Kennedy's murder in Dallas on Nov. 22, 1963, and the best evidence of it.

The film will remain in climate-controlled conditions at the National Archives center in College Park, where qualified experts may be allowed to study it.

The award was quickly criticized as excessive by members of the government panel that voted in 1997 to declare the film public property and by longtime JFK assassination researchers. It amounts to \$615,384 per second and far surpasses sums paid for other historic American records.

For instance, an original print of

the Declaration of Independence sold for \$2.1 million, and President Lincoln's "house divided" speech drew \$1.5 million.

The arbitrators' ruling ends a legal tangle that began in April 1997 when the Kennedy Assassination Records Review Board declared the film public property and resolved to seize it officially on Aug. 1, 1998, leaving time for negotiations over payment.

The government and the Zapruders remained far apart last summer. The Justice Department was offering \$750,000 and suggesting that it might go as high as \$1 million for the film alone. According to knowledgeable officials, government lawyers were unwilling to insist on the copyright out of fears that this would make the price too high.

The chairman of the now defunct Records Review Board, U.S. District Judge John R. Tunheim of Minneapolis, said yesterday it was "ironic" that the final \$16 million award was close to what the Zapruders had proposed in negotiations for both the film and the copyright: \$18.5 million.

When negotiations on a price proved futile, the Justice Department and the Zapruders reached agreement last fall on a three-member panel of arbitrators whose decision would be binding. The

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agreement put a \$30 million ceiling on any award and stipulated that one arbitrator would be named by the government, another would be picked by the Zapruders, and the third would be chosen by the first two.

But in a step that was quickly assailed by assassination researchers, Justice said it had also agreed that the Zapruders would retain the copyright to the film. That meant that historians, newspapers, TV networks and others that want to reproduce it—or portions of it—would still have to pay the fees customarily charged by the Zapruder family firm, LMH Co. Yesterday's arbitration decision disclosed that the film earned \$878,997 for the family from 1976 through 1997.

In their majority opinion, the two arbitrators who approved the award, Arlin M. Adams, a Philadelphia lawyer and former U.S. Circuit Court of Appeals judge chosen by his colleagues, and Kenneth Feinberg, a Washington lawyer chosen by the Zapruders, said they were "comfortable that the sum of \$16 million is a fair and accurate reflection of the true value of the Zapruder film at the time of taking."

They said they relied heavily on auction house experts with experience at Sotheby's and Christie's who testified in behalf of the Zapruder family. One of the experts said the film "was worth at least \$25 million and very possibly more than that. . . . It could even be double or triple that."

The other expert compared the six-foot strip of film, climaxed by the horrific head shot that killed the president, to the Codex of Leonardo da Vinci, for which billionaire Bill Gates recently paid \$30 million.

Adams and Feinberg said that "25 years ago, few if any, could predict the value of the Zapruder film as a unique historical item of unprecedented worth." They also noted that "items associated with President Kennedy and his family have been increasing in value."

In his dissent, the government-appointed arbitrator, former acting U.S. solicitor general Walter Dellinger, said the true value of the original is "much closer to the \$1 million suggested by the government." He said there was no known market for "camera original" films depicting other famous events.

Since Zapruder sold the film to Time Inc. in 1963 for \$150,000—and later got it back for \$1—Dellinger said that would come to \$780,000 in 1999 dollars. He said the increased value of Kennedy family memorabilia and higher auction prices generally might justify stepping up the award to "between \$3-5 million," but no more.

In a statement, LMH Co., representing Zapruder's son, Henry, and other surviving heirs, welcomed the decision as "fair and reasonable." They said they were

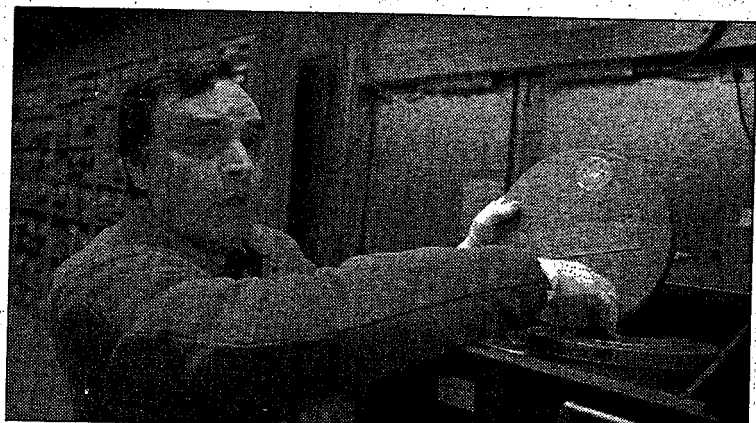
"relieved" that the film is now a permanent part of the National Archives and added that they are "actively pursuing" transfer of the copyright to a public institution that would "continue our policies of proper caretaking on a permanent basis."

Both Tunheim and another Review Board member, historian Anna Nelson, called the award excessive and voiced disappointment that the Justice Department did not pursue the copyright.

Outside researchers such as

Harold Weisberg were more outspoken. He called the award "outrageous" and contrasted it with the government's action years ago in preventing Lee Harvey Oswald's hard-pressed widow, Marina, from selling his rifle. The government seized it without paying her a penny, Weisberg said.

The arbitration panel actually made its decision on July 16, the same day John F. Kennedy Jr. died in a plane crash, but delayed the announcement in the wake of the tragedy.



FILE PHOTO/NICK WASS—ASSOCIATED PRESS

Alan Lewis of the National Archives holds canister containing Zapruder film. The government will pay what amounts to \$615,384 a second for the footage.